

June 28, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the
Personal Restraint Petition of

JUSTIN E. LEWIS,

Petitioner.

No. 49994-1-II

ORDER DISMISSING PETITION¹

Justin E. Lewis seeks relief from personal restraint imposed following the Department of Corrections' revocation of his community custody status. Lewis asserts that the Department's revocation procedures violated his due process rights because the Department did not consider his request for appointed counsel to represent him at the revocation hearing.

Constitutional due process protections "impose[] upon the Department a clear duty to consider the right to counsel on a case-by-case basis in community custody violation hearings." *Grisby v. Herzog*, 190 Wn. App. 786, 811, 362 P.3d 763 (2015). After Lewis filed his petition with this court, the Department agreed to provide him with a new revocation hearing at which the hearing officer would consider any future request for counsel. Because the Department has agreed to provide Lewis with a new revocation hearing and to consider any request for counsel to represent him at the hearing, his petition must be dismissed as moot. *See BBG Group LLC v. City of Monroe*, 96 Wn.

¹ Lewis's request for the appointment of counsel at public expense is denied.

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App. 517, 521, 982 P.2d 1176 (1999) (“[A] case is moot when the court cannot provide meaningful relief.”); *In re Pers. Restraint of Higgins*, 152 Wn.2d 155, 161-63, 95 P.3d 330 (2004) (Department retains jurisdiction to grant requested relief and conduct a rehearing of sanctions challenged in a pending petition). Accordingly, it is hereby

ORDERED that this petition is dismissed under RAP 16.11(b).


Acting Chief Judge, Jr., Tem

cc: Justin E. Lewis
Kitsap County Clerk
County Cause No(s). 11-1-00749-7
Timothy N. Lang, Department Of Corrections
Robert W. Ferguson, Attorney General
Alex Kostin, Assistant Attorney General - Corrections Division